

FIRST REGULAR SESSION

SENATE BILL NO. 255

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time January 27, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1079S.01I

AN ACT

To amend chapter 42, RSMo, by adding thereto one new section relating to Missouri veterans of the war on terror.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 42, RSMo, is amended by adding thereto one new section, to be known as section 42.275, to read as follows:

42.275. 1. As used in this section, the following terms shall mean:

(1) "Deceased war on terror veteran", a person who served in the military in Afghanistan or Iraq and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military and at the time of death;

(b) The veteran dies as a result of combat action in Afghanistan or Iraq or the veteran's death was certified by a Veterans' Administration medical authority to be attributable to an illness that was contracted while serving in Afghanistan or Iraq; and

(c) The veteran served in the war on terror in Afghanistan or Iraq after September 11, 2001.

(2) "Wounded war on terror veteran", a person who served in the military in Afghanistan or Iraq and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military and upon applying for cash benefits under this section;

(b) The veteran was wounded as a result of combat action in Afghanistan or Iraq;

(c) The veteran served in the war on terror in Afghanistan or Iraq after September 11, 2001; and

(d) The veteran does not qualify as a deceased war on terror veteran under this section.

2. Within the limits of the amounts appropriated therefor, the adjutant general of the state of Missouri shall award a cash benefit of five thousand dollars to the spouse or eldest living survivor of each deceased war on terror veteran.

3. Within the limits of the amounts appropriated therefor, the adjutant general of the state of Missouri shall award a cash benefit of one thousand dollars to each wounded war on terror veteran.

4. The adjutant general of the state of Missouri shall:

(1) Determine as expeditiously as possible the persons who are entitled to a cash benefit pursuant to this section;

(2) Make available on behalf of the veteran, or veteran's family, an amount as specified in this section;

(3) Provide the forms and determine the procedures necessary for a veteran or veteran's family to apply for and receive a benefit under this section.

(4) Promulgate all necessary rules and regulations for the implementation of this section.

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.

6. Applications for the cash benefit shall be filed with the office of the adjutant general at any time after January 1, 2006, and before January 1, 2009, on forms prescribed and furnished by the adjutant general's office. The adjutant general shall approve all applications that are in order. If the adjutant general disallows any person's claim to a

cash benefit pursuant to this section, a statement of the reason for the disallowance shall be filed with the application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address.

7. The "War on Terror Veteran Fund" is hereby created in the state treasury, and shall consist of all gifts, donations, and bequests to the fund. The fund shall be administered by the adjutant general. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the "War on Terror Veteran Fund" shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund. Moneys in the fund shall be used solely for the purpose of awarding benefits under this section.

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